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Wachovia Mortgage, a division of Wells Fargo Bank, N.A.,
successor by merger with Wells Fargo Bank Southwest,
N.A., formerly known as Wachovia Mortgage, FSB,
formerly known as World Savings Bank, FSB (sued herein
as "Wachovia Mortgage Corporation; Wells Fargo Bank,
N.A.") ("Wachovia")

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Attorneys for Plaintiff, Richard Pey

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

RICHARD PEY,

Plaintiff,

vs.

WACHOVIA MORTGAGE CORPORATION;
WELLS FARGO BANK, N.A.; NDeX WEST,
LLC; and DOES 1-20, Inclusive,

Defendants

Case No.: CV11 2922 SC

**STIPULATION TO EXTEND TIME TO
FILE MOTION TO DISMISS AND
ORDER THEREON**

Current response date: 7/27/2011
New response date: 8/5/2011

TO THE HONORABLE COURT, PLAINTIFF AND HIS COUNSEL OF RECORD:

Plaintiff Richard Pey and defendant Wachovia Mortgage, a division of Wells Fargo Bank, N.A., successor by merger with Wells Fargo Bank Southwest, N.A., formerly known as Wachovia Mortgage, FSB, formerly known as World Savings Bank, FSB (sued herein as “Wachovia Mortgage Corporation; Wells Fargo Bank, N.A.”) (“Wachovia”) through their respective counsel of record, hereby stipulate to extend the date for Wachovia to file a Motion to Dismiss in response to Plaintiff’s initial Complaint to and including August 5, 2011. In return, Wachovia agreed to postpone the sale of the property at issue from June 29, 2011 to no earlier than nine (9) days after the Court issues its ruling on plaintiff’s motion for preliminary injunction, which is scheduled to be heard on September 23, 2011.

IT IS SO STIPULATED.

Dated: July 27, 2011

THE GOODELL LAW FIRM

By: /s/ Nelson W. Goodell
 Nelson W. Goodell, Esq.
goodelllawfirm@gmail.com
 Attorneys for Plaintiff, Richard Pey

Dated: July 27, 2011

ANGLIN, FLEWELLING, RASMUSSEN
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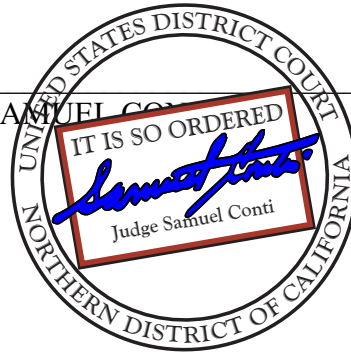
By: /s/ Raymond M. Collins
 Raymond M. Collins
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 Attorneys for Defendant,
 Wachovia Mortgage, a division of Wells Fargo Bank, N.A., successor by merger with Wells Fargo Bank Southwest, N.A., formerly known as Wachovia Mortgage, FSB, formerly known as World Savings Bank, FSB (sued herein as “Wachovia Mortgage Corporation; Wells Fargo Bank, N.A.”) (“Wachovia”)

ORDER

IT IS HEREBY ORDERED that defendant Wachovia Mortgage has an extension of time to August 5, 2011, to file its Motion to Dismiss in response to the Complaint in this matter.

DATED: July 29, 2011

HON. SAMUEL CONTI



CERTIFICATE OF SERVICE

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the city of Pasadena, California; my business address is Anglin, Flewelling, Rasmussen, Campbell & Trytten LLP, 199 S. Los Robles Avenue, Suite 600, Pasadena, California 91101-2459.

On the date below I served a copy of the following document(s):

**STATEMENT BY DEFENDANT WACHOVIA MORTGAGE IN LIEU OF A REPLY TO
OPPOSITION TO MOTION TO DISMISS COMPLAINT PURSUANT TO FRCP 12(b)(6)**

on all interested parties in said case addressed as follows:


Served Electronically via Court's CM/ECF System:

Barry Van Sickle, Esq.
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Attorney for Plaintiff

☐ **BY MAIL:** By placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in Pasadena, California, in sealed envelopes with postage fully thereon.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. This declaration is executed in Pasadena, California, on July 28, 2011.

Mark Betti
(Print name)


(Signature)